

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6619**

**BILL NUMBER:** HB 1173

**NOTE PREPARED:** Feb 21, 2012

**BILL AMENDED:** Feb 16, 2012

**SUBJECT:** Various IOSHA Matters.

**FIRST AUTHOR:** Rep. Ellspermann

**FIRST SPONSOR:** Sen. Walker

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that when an employee believes that a workplace violation of safety or health standards exists, the name of the complainant and any identifying information and the name and identifying information of other individual employees may be nondisclosable and confidential for purposes of public records law. It provides that neither the commissioner of the Department of Labor (Department) nor any employee or former employee of the Department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except when: (1) enforcement proceedings are brought under the Indiana Occupational Safety and Health Act; (2) an action is filed in which the Department is a party; (3) the commissioner consents in writing to waive the exemption; or (4) a court finds that: (A) the information sought is essential to the underlying case; (B) there are no reasonable alternate means for acquiring the information; and (C) a significant injustice would occur if the requested testimony was not available.

The bill also provides that the annual tax imposed to finance the safety and health consultation services for the INsafe division of the Department is due and payable on or before May 1 of each year when the tax is imposed. (Current law provides that the tax is due and payable on or before April 10 of each year when the tax is imposed.) The bill makes technical corrections.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Tax Due Date:* Changing the date when taxes are due which help finance the INsafe division of the Department would only slightly shift when funds are collected and would not alter the

total amounts collected.

*Penalty Provision:* Individuals disclosing information made confidential under this bill could be committing a Class A or Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** All, Department of Labor.

**Local Agencies Affected:** All, Trial courts, Local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Camille Tesch, 317-232-9866.